

JS 4 SDNY
REV. 4/2014

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

AUG 04 2014
service of

PLAINTIFFS

Jay Frechter, Individually And On Behalf Of All Others Similarly Situated

DEFENDANTS

PENN WEST PETROLEUM LTD., MURRAY R. NUNNS, DAVID E. ROBERTS
and TODD H. TAKEYASU

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
WOLF POPPER LLP, 845 THIRD AVE. 12th Floor, New York, NY 10022
212-759-4600

ATTORNEYS (IF KNOWN)

JUDGE KOCHETKOFF

**CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)**

Securities Exchange Act of 1934 and Rule 10b-5

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? Yes No Judge Previously Assigned _____

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No Yes

NATURE OF SUIT

TORTS

ACTIONS UNDER STATUTES

CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[] 110 INSURANCE	[] 310 AIRPLANE	[] 367 HEALTHCARE/	[] 625 DRUG RELATED	[] 422 APPEAL	[] 375 FALSE CLAIMS
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	PHARMACEUTICAL PERSONAL	SEIZURE OF PROPERTY	28 USC 158	[] 400 STATE
[] 130 MILLER ACT	LIABILITY	INJURY/PRODUCT LIABILITY	21 USC 881	[] 1423 WITHDRAWAL	REAPPORTIONMENT
[] 140 NEGOTIABLE	[] 320 ASSAULT, LIBEL &	[] 365 PERSONAL INJURY	[] 690 OTHER	28 USC 157	[] 410 ANTITRUST
INSTRUMENT	SLANDER	PRODUCT LIABILITY			[] 430 BANKS & BANKING
[] 150 RECOVERY OF	[] 330 FEDERAL	[] 368 ASBESTOS PERSONAL			[] 450 COMMERCE
OVERPAYMENT &	EMPLOYERS' LIABILITY	INJURY PRODUCT			[] 460 DEPORTATION
ENFORCEMENT		LIABILITY			[] 470 RACKETEER INFLU-
OF JUDGMENT	[] 340 MARINE	PERSONAL PROPERTY			ENCED & CORRUPT
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT				ORGANIZATION ACT
[] 152 RECOVERY OF	LIABILITY	[] 370 OTHER FRAUD			(RICO)
DEFALTED	[] 350 MOTOR VEHICLE	[] 371 TRUTH IN LENDING			[] 480 CONSUMER CREDIT
STUDENT LOANS	[] 355 MOTOR VEHICLE				[] 490 CABLE/SATELLITE TV
(EXCL VETERANS)	PRODUCT LIABILITY				
[] 153 RECOVERY OF	[] 360 OTHER PERSONAL				
OVERPAYMENT	INJURY	[] 380 OTHER PERSONAL			
OF VETERAN'S	[] 362 PERSONAL INJURY -	PROPERTY DAMAGE			
BENEFITS	MED MALPRACTICE	[] 385 PROPERTY DAMAGE	LABOR		
[] 160 STOCKHOLDERS		PRODUCT LIABILITY	[] 710 FAIR LABOR	[] 861 HIA (1395ff)	
SUITS			STANDARDS ACT	[] 862 BLACK LUNG (923)	
[] 190 OTHER			[] 720 LABOR/MGMT	[] 863 DIWC/DIWV (405(g))	
CONTRACT			RELATIONS	[] 864 SSID TITLE XVI	
[] 195 CONTRACT		PRIISONER PETITIONS	[] 740 RAILWAY LABOR ACT	[] 865 RSI (405(g))	
PRODUCT		[] 483 ALIEN DETAINEE			[] 880 OTHER STATUTORY
LIAIBILITY		[] 510 MOTIONS TO			ACTIONS
[] 196 FRANCHISE	ACTIONS UNDER STATUTES	VACATE SENTENCE	[] 751 FAMILY MEDICAL		[] 891 AGRICULTURAL ACTS
		28 USC 2255	LEAVE ACT (FMLA)		
REAL PROPERTY	CIVIL RIGHTS	[] 530 HABEAS CORPUS			
		[] 535 DEATH PENALTY			
		[] 540 MANDAMUS & OTHER			
	[] 440 OTHER CIVIL RIGHTS				
	(Non-Prisoner)				
[] 210 LAND	[] 441 VOTING				
CONDEMNATION	[] 442 EMPLOYMENT				
	[] 443 HOUSING/	PRISONER CIVIL RIGHTS			
[] 220 FORECLOSURE	ACCOMMODATIONS				
[] 230 RENT LEASE &	[] 445 AMERICANS WITH	[] 550 CIVIL RIGHTS			
EJECTMENT	DISABILITIES -	[] 555 PRISON CONDITION			
[] 240 TORTS TO LAND	EMPLOYMENT	[] 560 CIVIL DETAINEE			
[] 245 TORT PRODUCT		CONDITIONS OF CONFINEMENT			
LIAIBILITY					
[] 260 ALL OTHER					
REAL PROPERTY	[] 446 AMERICANS WITH				
	DISABILITIES - OTHER				
	[] 448 EDUCATION				

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$ OTHER JUDGE DOCKET NUMBER

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NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IJ-32).

(PLACE AN X IN ONE BOX ONLY)

- | | | | | | | |
|---|---|--|---|--|---|--|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from (Specify District) | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge Judgment |
| <input type="checkbox"/> a. all parties represented | | | | | | |
| <input type="checkbox"/> b. At least one party is pro se. | | | | | | |

(PLACE AN X IN ONE BOX ONLY)

- 1 U.S. PLAINTIFF 2 U.S. DEFENDANT 3 FEDERAL QUESTION 4 DIVERSITY
(U.S. NOT A PARTY)

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [] 1 DEF [] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF [] 3 DEF [] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [] 5 DEF [] 5
CITIZEN OF ANOTHER STATE	[] 2 [] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4 [] 4	FOREIGN NATION	[] 6 [] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

c/o WOLF POPPER LLP
845 Third Ave. 12th Floor
New York, NY 10022

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

SEE ATTACHED LIST

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN
(DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

[x] YES (DATE ADMITTED Mo. 05 Yr. 1983)
Attorney Bar Code # RF2373

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

Defendants' List

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